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Attorney for NICHOLAS POPOALII

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
NICHOLAS POPOALII,  
Defendants.

CASE NO. CR 08-0118 MMC

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING HEARING**

Date: May 13, 2009  
Time: 2:30 p.m.  
Court: Hon. Maxine M. Chesney

## STIPULATION

Defendant Nicholas Popoalii, by and through his counsel, Edward W. Swanson, and the United States, by and through Assistant United States Attorney Tarek J. Helou, hereby stipulate to continue defendant's status hearing, currently scheduled for May 13, 2009, until May 20, 2009. Counsel for Mr. Popoalii is unexpectedly unavailable on May 13. The parties believe that a resolution has been reached in this matter and will be ready to present their agreement to the Court on the date requested in this continuance.

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The parties further agree that no exclusion of time under the Speedy Trial Act is necessary for this brief continuance.

## IT IS SO STIPULATED.

Dated: May 11, 2009

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/s/  
Edward W. Swanson  
SWANSON, McNAMARA & HALLER LLP  
Counsel for NICHOLAS POPOALII

Dated: May 11, 2009

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/s/  
Tarek J. Helou  
Assistant United States Attorney

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 12, 2009

*Makine M. Chesney*  
MAKINE M. CHESNEY  
United States District Court